A Cultural Resources Inventory of 251 Acres of Abandoned Uranium Mine Areas in Haystack, McKinley County, New Mexico, for Arcadis.

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> > DCRM 2016-66

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Abstract

The report details the results of the cultural resources inventory conducted in conjunction with the project entitled "A Cultural Resources Inventory of 251 Acres of Abandoned Uranium Mine Areas in Haystack, McKinley County, New Mexico, for Arcadis". The project areas are located in McKinley County, New Mexico, on Navajo Allotted lands, Private, and Bureau of Land Management lands¹. The project areas are in Sections 13, 18, 24, and 19. Township 13 North, Range 11 West, and Range 10 West, and can be found on the Bluewater, N. Mex., Photorevised 1980 7.5-minute USGS quadrangle map. The total area surveyed in conjunction with this project is 251 acres (101.57 ha). In all, four (4) newly recorded archaeological sites and nineteen (19) isolated occurrences were identified during the inventory. Archaeological clearance is recommended for the proposed undertaking provided that all stipulations prescribed in the report are followed.



¹ Per the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the USEPA and BNSF, Section 13 is stated to be "on federal land administered by the Bureau of Indian Affairs." For the purposes of this report, Section 13's land status is documented as BLM; however, additional coordination on this topic may be required.

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Introduction

Between November 8th and 11th, 2016, Jeremy Begay, Matthew Martin, Jeffrey Begay, and Arlo Werito, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of the Haystack Mines Site located in McKinley County, New Mexico (Site). The work was completed in the presence of the United States Environmental Protection Agency (USEPA) and Navajo Nation EPA and under the oversight of Arcadis. Four newly documented archaeological sites and 19 isolated occurrences (IOs) were identified and evaluated during the inventory. This cultural resources inventory was completed under the Navajo Nation Historic Preservation Department permit number B16953 and State of New Mexico permit # NM-17-236-S.

Description of Undertaking

Per the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the USEPA and BNSF, Arcadis will perform radiation surveys of the mine areas, potentially excavate material from the areas of concern, and consolidate the excavated material (e.g., within the former reclaimed mine area on Section 19). The area of effect totals approximately 199 acres (80.53 ha). A breakdown of the acreage numbers for each of the nine project areas can be found below in Table 1.

Table 1: Acreage of the nine project areas in McKinley Co, NM.

Designati	on	Area of Effect	Total Area Surveyed
Haystack		13	18
Section 24		41	52
Bibo Trespass		34	42
Haystack No.1		104	120
Western Drainage 1		1	2
Western Drainage 2	Road	1	2
Residential		2	4
Northeast Drainage		2	10
Eastern Stockpile		1	1
Totals		199	251

Location

The project areas are located in the Baca/Prewitt Chapter in McKinley County, New Mexico, on Navajo Allotted, Private, and Bureau of Land Management lands (Figures 1 thru 3). Table 2 provides the UTM coordinates and legal descriptions of the project areas.

Table 2. UTM Coordinates, Legal Descriptions, and USGS Maps for the nine project areas in McKinley Co, NM.

Designation		ordinates: (NAD 83)			(al Descr	iption Projecte	:d)
	Northing	Easting	1/4	1/4	1/4	Sec	T	R	7.5 min USGS Quad
Haystack									
Centerpoint	3915998	231695	NE	SW	SE	13	13N	11W	
		Se	ction 2	4					-
Centerpoint	3915501	232108	SE	NE	NE	24	13N	11W	
		Bibo	Tresp	ass					
Centerpoint	3915827	232084	SE	SE	SE	13	13N	11W	
Haystack No.1							Bluewater,		
Centerpoint	3915423	232443	SE	NW	NW	19	13N	10W	N. Mex.,
Western Drainage 1						Photorevised			
Centerpoint	3915882	231709	SE	SW	SE	13	13N	11W	1980
Western Drainage 2 Road						1980			
Centerpoint	3915861	231861	SW	SE	SE	13	13N	11W	
Residential									
Centerpoint	3915709	232302	SW	SW	SW	18	13N	10W	
Northeast Drainage									
Centerpoint	3915611	232852	NE	NE	NW	19	13N	10W	
Eastern Stockpile									
Centerpoint	3915530	233021	NW	NW	NE	19	13N	10W	

Existing Data Review

Prior to the fieldwork, a records check was conducted at the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, Arizona, to determine the extent of previous cultural resources inventories. The review indicated that numerous previous projects have been conducted within 300 ft of the project areas and that one previously identified archaeological site was recorded within the project area. Previously identified archaeological site OCA TOD: 210 was observed to be in the northern sector of the project area, however, during the file search at NNHPD, DCRM archaeologists were unable to find any documentation of the site literature. In addition to the records search at NNHPD, DCRM archaeologists conducted a records search using the State of New Mexico NMCRIS online records system. The NMCRIS system did not have a recording of OCA TOD: 210 in their files. A thorough check of the site area during the field survey determined that OCA TOD: 210 has been destroyed and that no evidence of cultural remains is present at the location presented on the maps in NMCRIS.

The Sacred Places files located at NNHPD's Traditional Culture Program, which contains records of sacred places throughout the reservation, was researched to determine if any previously identified sacred places are located within 1 mile (1.609 km) of the project area. The records check indicated that three recorded sacred places are located within one mile of the project area including Dzil lichii (Red Mountain/Haystack Mesa), Yei'Tsoh Bidil (Big Yei's Mesa), and Naa'Aghani (Killing Eyes). Consultations with NNHPD TCP personnel determined that the previously identified TCPs will not be impacted by the proposed activities and that the undertaking can proceed as planned.

Figure 1: Map showing the project areas and identified cultural resources, (DCRM 2016-66). Haystack AUM Mountain 84 19 €0.#9 0 #10 Miles 2,000 ———Yards 1,000 DCRM 2016-66 Bluewater, N. Mex. 1957 P.R. 1980 CenterPoint Haystack_Isolated_Occurrences Haystack AUM Scale: 1:24:000

Dinétahdóó Cultural Resources Management LLC

3

Section_24_Isolated_Occurrences

Haystack

Section_24

Buffer_Zone

(1 inch = 2,000 ft.)

Figure 1: Map showing project area

and identified cultural resources.

Haystack AUM Mountain Haystack No. 1 10 #19 (0.*14 10. #21 1,000 1.0. #22 Kilometers 8.3. #26 O #24 DCRM 2016-66 ★ CenterPoint Bluewater, New Mexico 1957 P.R. 1980 Bibo_Trespass_Isolated_Occurrences ♦ Haystack_No.1_Isolated_Occurrences Haystack AUM NM-R-48-41 Scale 1:24:000 NM -R -48-42 (1 inch = 2,000 ft.)Dinétahdóé Cultural Resources Management LLC ___Bibo_Trespass Haystack_No.1

Figure 2: Map showing the project areas and identified cultural resources, (DCRM 2016-66).

4

Buffer_Zone

Figure 2: Map showing project area

and identified cultural resources.

Haystack AUM Mountain 19 Miles 2,000 ——Yards 1,000 30. #32 | |Kilometers DCRM 2016-66 Bluewater, N. Mexico 1957 P.R. 1980 Haystack AUM Scale 1:24:000 ♦ Western_Drainage_t_leo/ated_Coourrences ♦ Western_Orainage_2_Road_isolated_Occurrence (1 inch = 2,000 ft.) ∏ N84-R-48-41 Dinétahdóó Cultural Resources Management LLC]Western_Drainage_1 Figure 3: Map showing project area _Western_Orainage_2_Road

Figure 3: Map showing the project area and identified cultural resources, (DCRM 2016-66).

5

∷Buffer_Zone

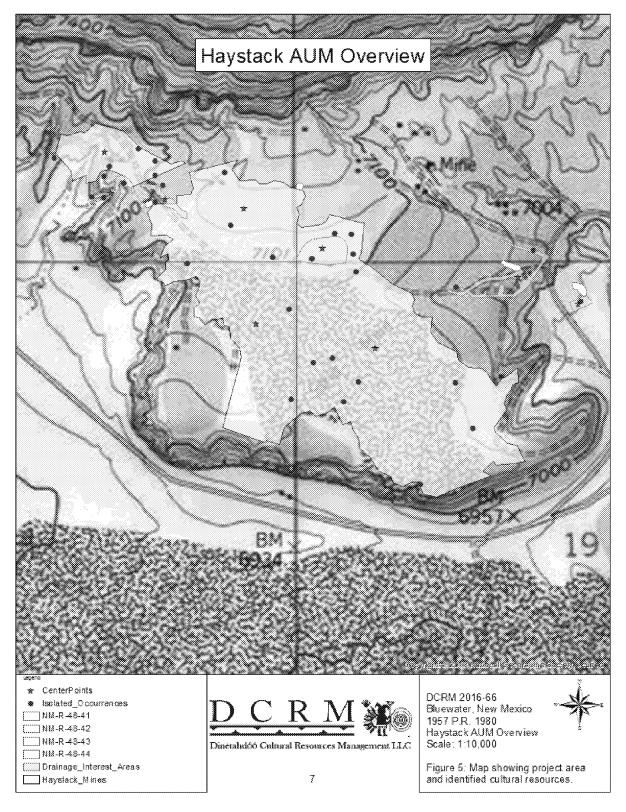
and identified cultural resources.

Haystack AUM Mountain Eastern Stockpile 19 ↑ ¬Miles 2,000 ———Yards 1,000 Kilometers DCRM 2016-66 Bluewater, New Mexico 1957 P.R. 1980 Residential_Isolated_Occurrences Wortheast_Drainage_legisted_Occurrences ◆ Eastern_Stockpile_Isolated_Occurrences Haystack AUM ____NM-R-48-43 Scale: 1:24,000 IIIII]NM-R-48-44 (1 inch = 2,000 ft.)[[[]Residential Dinétahdóó Cultural Resources Management LLC |___Northeast_Drainage |___Eastem_StockPile Figure 4: Map showing project area 6 and identified cultural resources.

Figure 4: Map showing the project areas and identified cultural resources, (DCRM 2016-66).

::::::Bu #er_Zone

Figure 5: Overview of the project areas and identified archaeological sites, (DCRM 2016-66).



Environmental and Cultural Setting

The project area is located in the Zuni Uplift geological region, a large, sedimentary landmass that was uplifted during the onset of the Laramide Orogeny during the Cretaceous-Tertiary transition. A considerable amount of tectonic activity exposed numerous geologic facies ranging in age from the Neogene to the Precambrian. Erosion of the numerous facies has produced a multitude of geographic features and geologic structures, such as the Hogback, Fenced Up Horse Canyon, Zuni Mountains, Oso Ridge, and the Malpais badlands. Within the uplift, strata representing marine transgressive and nonmarine regressive cycles have been exposed as well as Precambrian basement rock, producing redeposited packages of fine- to coarse-grained alluvial, fluvial, colluvial, residual, and aeolian sand, silt, clay, and multi-lithic sand. Outcrops of sedimentary, metamorphic, and igneous bedrock as well as pebble- to boulder-sized clasts derived from these outcrops are scattered throughout the region. Situated in the mixed conifer environ, the Zuni Uplift supports such flora as ponderosa and pinyon pine, juniper, gambel oak, aspen, green ephedra, sagebrush, Indian ricegrass, ring muhly, blazing star, and alkali sacaton.

The Navajo name for Baca/Prewitt is Kinligaii, which, when translated, means White House. The chapter includes the communities of Prewitt, Haystack, South Chavez, and Blue Water. It is in the outer most area of the Eastern Navajo Agency extending to the southeast. Brothers Bob and Harold Baca set up a trading post in 1916, which is why the Navajo people referred to the community as Baca (LSR Innovations: 2004).

Field Methods

Between November 8th and 11th, 2016, Jeremy Begay, Matthew Martin, Jeffrey Begay, and Arlo Werito, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted the cultural resources inventory. The archaeologists were accompanied by Arcadis Radiological Technicians, who guided the archaeologists through the project areas.

Archaeological Inventory

The project areas were inventoried by walking parallel transects with archaeologists spaced no more than 10 m apart. A 50 ft. buffer zone was added to the boundaries of the project areas on private and Navajo allotted lands while a 100 ft. buffer zone was added to Bureau of Land Management project area. Approximately 251 acres (101.57 ha) in total was inventoried in conjunction with the project.

The four archaeological sites were recorded after the completion of the survey. The sites were recorded using a metric tape measure, protractor, ruler, and a compass, and sufficient notes were taken to complete Navajo Nation and Laboratory of Anthropology Site Survey and Management Forms in the office. Locations of the cultural resources identified during the inventory were recorded using a hand-held Global Positioning Satellite (GPS) unit. The site forms were filled out in-house once fieldwork was completed.

Isolated occurrences were recorded upon discovery once they had been determined not to be associated with an archaeological site. The locations of all isolated occurrences identified during the inventory were recorded using a hand-held GPS unit.

Ethnographic Inquiry

After the archaeological survey had been completed, Rena Martin & Patricia Moone began the ethnographic work of the project areas, collecting information on any local traditional cultural properties (TCPs), unmarked graves, and Navajo historic sites. Martin and Moone began by visiting the Baca/Prewitt Chapter officials to notify them of the pending work on 11/7/2016.

Cultural Resources Findings

Four (4) newly documented archaeological sites, one (1) previously identified archaeological site, and nineteen (19) isolated occurrences were identified or reassessed during the survey. The archaeological information is combined with the interview data in the following site descriptions.

Archaeological Sites

Site: LA187962/NM-R-48-41 (Figure 6)

USGS Map Reference: Bluewater, N. Mex., P.R. 1980 Legal Location: SW ¼, SE ¼, SE ¼, Sec 13, T13N, R11W

UTM (NAD83): Zone 13, N 3915856, E 0231823

Land Status: Bureau of Land Management

State: New Mexico County: McKinley

Site Type: Historic Anglo Artifact Scatter

Site Size: 18 x 18m

Site Setting: LA187962 is located on the south side of a west oriented drainage.

Site Description: LA187962 is an Anglo artifact scatter with no identified or recorded features that may be related to historic mining activities. The site is composed entirely of a concentration of artifacts with several additional artifacts located in close relation to the concentration. The artifact concentration is composed of 30+ clear and brown glass fragments, 17 crushed metal side seam solder top cans, 1 metal screw on cap, and 1 perforated metal exhaust pipe. No other artifacts were observed in the site area. An in-field, non-intrusive assessment determined that LA18796241 does not contain any subsurface cultural remains.

Site: NM-R-48-42 (Figure 7)

USGS Map Reference: Bluewater, N. Mex., P.R. 1980 Legal Location: SW ¼, SW ¼, SW ¼, Sec 18, T13N, R10W

UTM (NAD83): Zone 13, N 3915878, E 0232249

Land Status: Navajo Allotment

State: New Mexico County: McKinley Chapter: Baca/Prewitt

Site Type: Historic Navajo Corral

Site Size: 23 x 21m

Site Setting: NM-R-48-42 is located on a broad slope on the south side of Haystack Mesa.

Site Description: NM-R-48-42 is a historic Navajo corral with two identified features. Feature 1 is a limestone structure that measures 4 x 3m. Feature 1 is constructed of 11 large limestone blocks in a square pattern. The blocks are dry-laid of simple construction, two courses high. Feature 2 is a fence line measuring 8m in length composed of ax cut pinyon pine poles connected with two strands barbed wire. Feature 2 was laying on the ground at the time of recording. No other features or artifacts were observed during the inventory. DCRM archaeologists observed a

difference in vegetation in the southern sector of the site which may be a result of accumulated livestock waste residues. An in-field, non-intrusive assessment determined that NM-R-48-42 does not contain any subsurface materials.

Site: LA187963/NM-R-48-43 (Figure 8)

USGS Map Reference: Bluewater, N. Mex., P.R. 1980 Legal Location: NE ¼, NE ¼, NW ¼, Sec 19, T13N, R10W

UTM (NAD83): Zone 13, N 3915693, E 0232837

Land Status: Private

State: New Mexico County: McKinley Site Type: Archaic En Medio Temporary Camp

Site Size: 22 x 63m

Site Setting: LA187963 is located within an east oriented drainage on the south side of Haystack

Mesa.

Site Description: LA187963 is an Archaic En Medio temporary camp with two identified features and a scattering of artifacts. Feature 1 is an ash stain measuring 1m in diameter located in the western sector of the site area. Feature 1 has been exposed in a drainage area with fire cracked rock fragments associated with the feature located east in the drainage area. A sandstone mano fragment was also located near the feature area. Feature 2 is a slab lined hearth measuring 1m in diameter consisting of 1 upright sandstone slab and two additional slabs located on the south side of the feature. The oxidized sandstone slabs enclose a concentration of ash stained soil. Materials from F2 are being redeposited down gradient to the north by natural erosional processes. DCRM archaeologists observed several artifacts scattered throughout the site area consisting of 17 flaked lithic artifacts to include; flakes of all stages of reduction, radial cores, an En Medio petrified wood projectile point, 1 one handed sandstone mano fragment, 3 sandstone slab metate fragments, and 20+ oxidized sandstone fragments. No other features or artifacts were observed within the site boundaries. An in-field, non-intrusive assessment determined that LA187963 may contain subsurface cultural materials possibly up to 0.5m in depth.

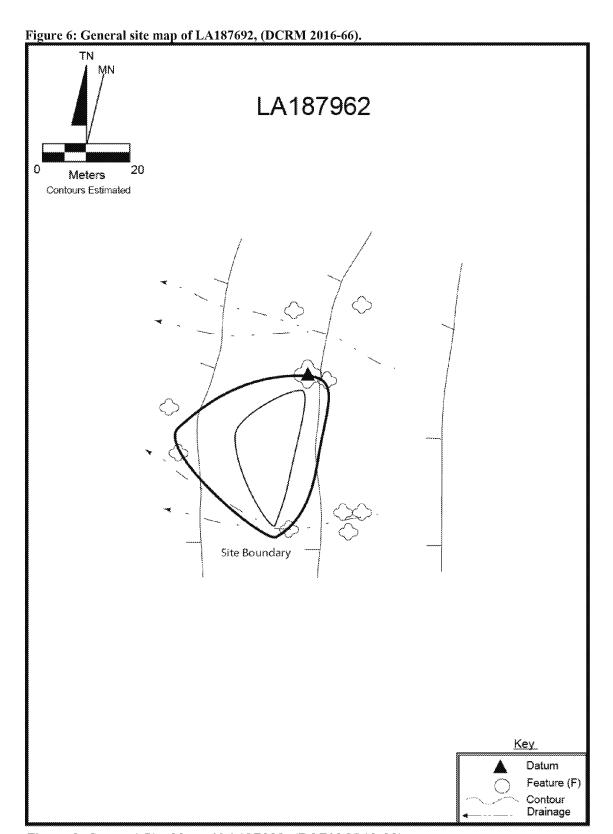


Figure 6. General Site Map of LA187962, (DCRM 2016-66).

Figure 7: General site map of NM-R-48-42, (DCRM 2016-66). NM-R-48-42

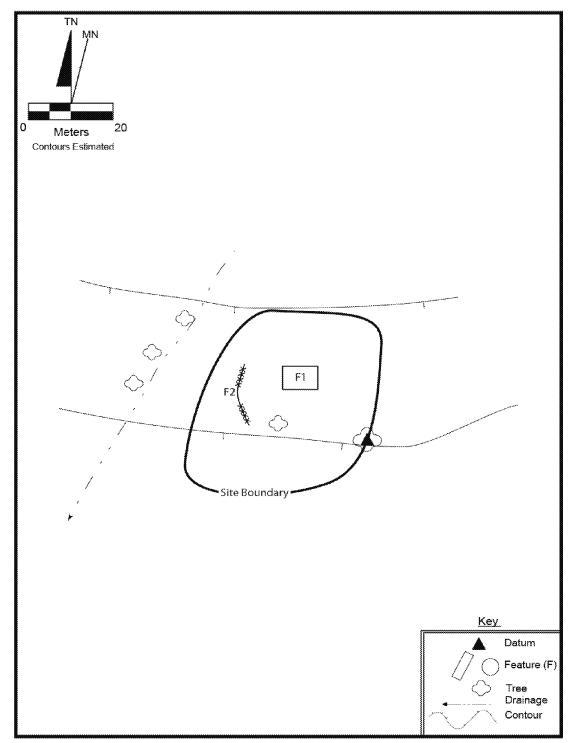


Figure 7. General Site Map of NM-R-48-42, (DCRM 2016-66).

Figure 8: General site map of LA187963, (DCRM 2016-66). TN LA187963 20 Meters Contours Estimated Site Boundary <u>Key</u> Datum Feature (F) Tree Drainage Contour

Figure 8. General Site Map of LA187963, (DCRM 2016-66).

Site: LA187964/NM-R-48-44 (Figure 9)

USGS Map Reference: Bluewater, N. Mex., P.R. 1980

Legal Location: NW 1/4, NW 1/4, NE 1/4, Sec 19, T13N, R10W

UTM (NAD83): Zone 13, N 3915574, E 0233027

Land Status: Private

State: New Mexico County: McKinley

Site Type: Anasazi PI-PII Habitation

Site Size: 64 x 26m

Site Setting: LA187964 is located on a south oriented alluvial fan.

Site Description: LA187964 is a prehistoric Anasazi PI-PII habitation consisting of 5 features. Feature 1 is a rubble mound measuring 3 x 2m constructed of unshaped limestone blocks and slabs. No wall alignments were visible as the structure has collapsed. Several ceramic sherds and lithic artifacts were observed in and around the feature area. Feature 2 is an ash stain measuring 1m in diameter consisting of a concentration of ash stained soil. No fire cracked rock was observed in or around the feature area. Feature 3 is a rubble mound measuring 7m in diameter located adjacent to F2 on the south side. Feature 3 is composed mostly of unshaped limestone blocks and slabs with no visible wall alignments or wall fall. It is unknown how many rooms may be buried beneath the detritus. As with feature 2, several ceramic sherds and lithic artifacts were observed in and around the feature area. Feature 4 is a midden measuring 3m in diameter consisting of 800+ ceramic sherds to include; Kiatuthlanna, Red Mesa, Gallup, Escavada, and Puerco Black on white, Chaco and indented Corrugated, and numerous other unidentified grey and white ware sherds. 100+ lithic artifacts to include; flakes of all stages of reduction, tested and exhausted cores, and a biface tool of obsidian, grey and white chert, petrified wood, and grey and brown quartz, 1 basalt metate fragment, and 50+ sandstone fire cracked rock fragments in an ashy soil matrix. Materials from Feature 4 are being redeposited down gradient to the south and east by natural erosional processes. Feature 5 is a northeast to southwest oriented rubble mound measuring 8 x 4m adjacent to Feature 4 on the south side. Feature 5 contains five upright sandstone slabs forming a wall alignment on the southeast side of the feature although it is unknown how many rooms are present underneath the detritus. No other features or artifacts were observed or recorded. An in-field, non-intrusive assessment determined that LA187964 may contain subsurface deposits possibly up to 1m in depth.

Site: OCA TOD: 210

USGS Map Reference: Bluewater, N. Mex., P.R. 1980 Legal Location: NW ¼, SE ¼, SE ¼, Sec 13, T13N, R11W

UTM (NAD83): Zone 13, N 3916034, E 0231972

Land Status: Navajo Allotment

State: New Mexico County: McKinley Chapter: Baca/Prewitt

Site Type: Unknown

Site Size: NA

Site Setting: OCA TOD: 210 was located in a west oriented drainage.

Site Description: Previously recorded archaeological site OCA TOD: 210 was identified on the NNHPD records maps in Window Rock, AZ. No literature was found in the records at NNHPD or in the State of New Mexico NMCRIS online system, therefore, DCRM archaeologists did not

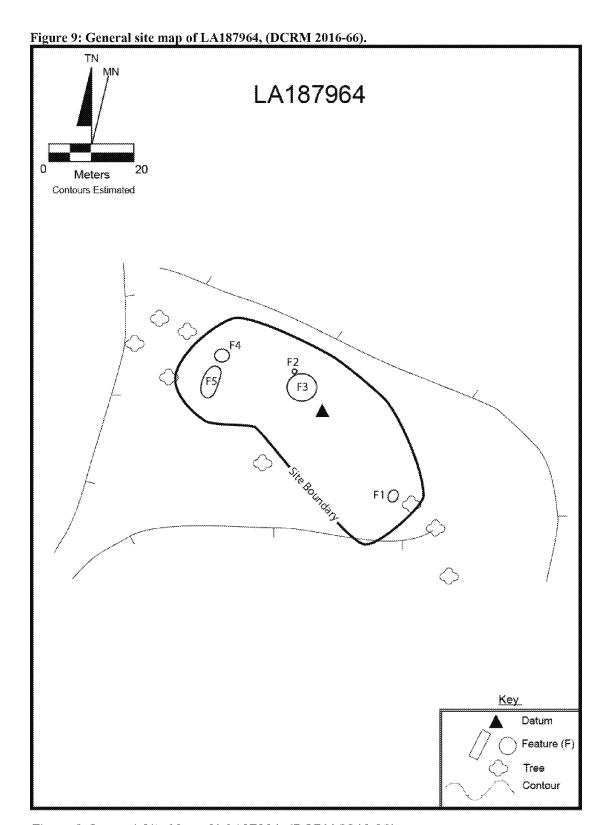


Figure 9.General Site Map of LA187964, (DCRM 2016-66).

know what materials or structures were present in the site area. A thorough field check of the area during the survey determined that no cultural materials are present and that OCA TOD: 210 has been destroyed by past mine reclamation activities. An in-field, non-intrusive assessment determined that no subsurface materials are present in the area.

Isolated Occurrences

Nineteen isolated occurrences (IOs) were identified within the project area. Their locations and descriptions are listed in Table 3.

Table 3. List of identified isolated occurrences within the nine project areas in McKinley Co, NM.

Isolated Occurrence	UTM Zone 13		Description	
#	Northing	Easting	<u> </u>	
IO#1	3915870	0231688	(1) metal pipe	
IO#2	3915929	0231691	(1) Narbona Pass chert Bajada	
			projectile point	
IO#3	3915909	0231747	(1) side seam church key can	
IO#4	3915900	0231856	(1) Kiatuthlanna Black on white	
			sherd	
IO#5	3915749	0232339	(1) gray ware sherd	
IO#6	3915689	0232389	(1) one-handed sandstone mano	
			fragment	
IO#7	3915680	0232271	(1) grey chert bi-face	
IO#8	3915685	0232898	(1) Puerco Black on white sherd and	
			(1) sandstone mano fragment	
IO#9	3915639	0232395	(1) sandstone mano fragment and	
			(1) white ware sherd	
IO#10	3915330	0232392	(1) Puerco Black on white sherd and	
			(1) gray ware sherd	
IO#11	3915484	0231950	(1) white chert bi-face fragment and	
			(1) petrified wood primary flake	
IO#12	3915687	0232160	(1) steel cable	
IO#13	3915762	0232439	(2) white ware sherds and (1)	
		<u> </u>	corrugated sherd	
IO#14	39155927	0231836	(1) black on white sherd	
IO#15	3915968	0231837	(6) steel wires and tubes	
IO#16	3916004	0231789	(1) metal drill bit, (1) steel cable, (1)	
			carburetor, and the letters "BR"	
			incised onto a rock face	
IO#17	3915958	0231706	(1) green chert radial core	
IO#18	3915985	0231551	(9) gray ware sherds, (1) gray chert	
			primary flake, (1) gray chert core	
IO#19	3915276	0232349	(4) gray ware sherds, (1) primary	
			flake, (1) quartzite flake, (1)	
			obsidian secondary flake, (2) white	
			chert secondary flakes, and (2)	
			green chert tertiary flakes	

Traditional Cultural Properties

During the field inventory, the project archaeologists interviewed nearby residents concerning any sacred places, burials, or traditional cultural places that might be affected by the proposed undertaking. No TCPs were identified in the project areas.

Evaluation of Significance

All cultural resources identified and recorded are evaluated for significance under certain federal statutes for the preservation and management of these resources. This process is intended to ensure that cultural resources are not inadvertently destroyed by the proposed undertaking, and to ensure that local communities are involved in the decision-making process.

The National Historic Preservation Act

Under the Section 106 process of the National Historic Preservation Act (NHPA; 36 CFR 60.4), cultural resources may be eligible for nomination to the National Register of Historic Places if they are more than 50 years old and "possess integrity of location, design, setting, material, workmanship, feeling, and association." One or more of the following criteria (a-d) must be applicable:

- a. associated with events that have made a significant contribution to the broad patterns of our history; or
- b. associated with the lives of a person significant in our past; or
- embody the distinctive characteristics of a type, period, or method of construction, or that
 represent the work of a master, or that possess high artistic values, or that represent a
 significant and distinguishable entity whose components may lack individual distinction;
 or
- d. has yielded, or may be likely to yield, information important in prehistory or history.

As defined in 36 CFR 60.4, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historical buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years are not ordinarily considered eligible for the National Register. However, such properties may qualify if they are integral parts of districts that do meet the eligibility criteria.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 (ARPA; 43 CFR Part 7) has two fundamental purposes:

- to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement; and
- to increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained prior to enactment of the Act.

In order for a resource to be considered an archaeological resource and thus merit protection, it must be both more than 100 years old and of archaeological interest.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA [P.L. 95-341]) affirms that American Indians have the right to believe, express, and exercise their traditional religions and have access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. Any site or place (prehistoric or historic) that has religious, ceremonial, or sacred aspects or components needs to be dealt with in light of this law. Anasazi sites related to Navajo cultural traditions qualify for protection, as do all Navajo ceremonial sites, unmarked traditional places, and residential structures whose owners/users want them protected for religious and cultural reasons.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA [P.L. 101-601]) provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony, including those from archaeological contexts; and provides the United States district courts jurisdiction over any action brought by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items.

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The Navajo Nation Cultural Resources Protection Act of 1988 (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a "Navajo Nation Register of Cultural Properties and Cultural Landmarks." The Register is to include "buildings, districts, objects, places, sites, and structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture" on Navajo lands. The Register and its criteria for eligibility have yet to be established.

The Navajo Nation Policy for the Protection of Jishcháá' covers all human remains, associated funerary items, and unassociated funerary items on land under Navajo Nation jurisdiction. It emphasizes non-disturbance as the required treatment of these items unless disturbance is unavoidable. It sets forth procedures for intentional excavation and inadvertent discovery of these items.

Table 4: NHPA, ARPA, AIRFA, and NAGPRA Evaluation of Identified Cultural Resources documented within the nine project areas in McKinley Co. NM.

Cultural Resource No.	Description	Evaluation		
LA187962	Historic Anglo Artifact Scatter	NRHP	Not Eligible 1. 50-year guideline met 2. Retains integrity of materials 3. Does not meet criteria a-d	
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? No	

Cultural Resource No.	Description	Evaluation		
		AIRFA	Does not merit consideration	
		NAGPRA	Does not merit consideration	
NM-R-48-42	Historic Navajo	NRHP	Not Eligible	
	Corral		1. 50-year guideline not met	
			2. Retains integrity of materials.	
			3. Does meet criteria d	
		ARPA	Is Eligible? No	
			1. 100-year guideline met? No	
			2. Is of archaeological interest? No	
		AIRFA	Does not merit consideration	
		NAGPRA	Does not merit consideration	
LA187963	Prehistoric	NRHP	Is Eligible	
	Archaic En Medio		1. 50-year guideline met	
	Temporary Camp		2. Retains integrity of location, setting, materials,	
			workmanship, and association.	
			3. Does meet criteria d	
		ARPA	Is Eligible? Yes	
			1. 100-year guideline met? Yes	
			2. Is of archaeological interest? Yes	
	· ·	AIRFA	Does not merit consideration	
		NAGPRA	Does not merit consideration	
LA187964	Prehistoric	NRHP	Is Eligible	
	Anasazi PI-PII		1. 50-year guideline met	
	Habitation		2. Retains integrity of location, setting, materials,	
			workmanship, and association.	
		1 D D 1	3. Does meet criteria d	
		ARPA	Is Eligible? Yes	
			1. 100-year guideline met? Yes	
		AIDEA	2. Is of archaeological interest? Yes	
		AIRFA	Does not merit consideration	
004 707 210	77.1	NAGPRA	May merit consideration	
OCA TOD: 210	Unknown	NRHP	Not Eligible	
			1. 50-year guideline not met	
			2. Does not retain any integrity3. Does not meet criteria a-d	
		ARPA		
		AKPA	Is Eligible? No 1. 100-year guideline met? No	
			2. Is of archaeological interest? No	
		AIRFA	Does not merit consideration	
		NAGPRA	Does not merit consideration	
Isolated	IO#1-19 (see table	NRHP	Not Eligible	
Occurrences	3 for descriptions)	TAINITE	1. 50-year guideline met	
Occurrences	o for descriptions)		2. Lacks integrity	
			3. Does not meet criterion a-d	
		ARPA	Is Eligible? No	
		AMA	1. 100-year guideline met? Yes	
			2. Is of archaeological interest? No	
	l	<u> </u>	2. 15 of archaeological interest? No	

Cultural Resource No.	Description		Evaluation		
		AIRFA	Do not merit consideration		
		NAGPRA	Do not merit consideration		

Recommendations

Archaeological clearance is recommended for the proposed undertaking with the following stipulations: (1) proposed construction activities shall be confined to the nine project areas and (2) new discoveries of archaeological sites shall be reported to the State of New Mexico Historic Preservation Department and the Navajo Nation Historic Preservation Department.

LA187963 (Prehistoric Archaic En Medio Temporary Camp) and LA187964 (Prehistoric Anasazi PI-PII Habitation): 1) be avoided during all construction activities, 2) the site boundaries be reflagged prior to any construction activities, 3) a qualified archaeologist should monitor all construction activities within 50 ft of the established site boundaries

LA187962 (Historic Anglo Artifact Scatter), NM-R-48-42 (Historic Navajo Corral), and OCA TOD: 210 (Unknown): No further treatments are recommended since the sites are not eligible for protection as they are not likely able to contribute information on prehistory or history and since OCA TOD is has been completely destroyed.

References Cited

LSR Innovations Research & Planning

2004 Chapter Images: 2004 Edition, Navajo Nation Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by C. Kluckhohn, pp. 9-99. Garland Publishing, New York.